

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Manetirony Clervrain,

Plaintiff,

v.

Maribel Perez Wadsworth, John Wells,
Clifford Ledler, et al.,

Defendants.

C/A No. 2:22-cv-00957-SAL

ORDER

This matter is before the court for review of the May 31, 2022 Report and Recommendation (the “Report”) of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b)(1)(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 27.] In the Report, the Magistrate Judge recommends the instant action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with orders of the court. On April 7, 2022, Plaintiff was informed that in order for this case to proceed, he was required to pay outstanding sanctions or his case would be subject to dismissal. [ECF No. 18.] On May 4, 2022, a second order was issued informing Plaintiff that his case was not in proper form and if he failed to comply with the timetable set forth in the order, the case would be subject to dismissal. [ECF No. 21.] Plaintiff failed to respond to either proper form order, and he has not brought his case into proper form. Nor has Plaintiff responded to the Report, and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to,

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 27, and incorporates the Report by reference herein. Accordingly, this case is **DISMISSED** without prejudice and without issuance and service of process pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

July 19, 2022
Columbia, South Carolina

s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge